

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America)

v.)

Rhomny Abreu)

Case No: 01-cr-293 (FSH)

USM No: _____

Date of Previous Judgment: 06/21/2002)

Chester Keller, AFPD.

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

AMENDED
Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 144 months is reduced to 120.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 135 to 168 monthsAmended Guideline Range: 120 to 135 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):**III. ADDITIONAL COMMENTS**

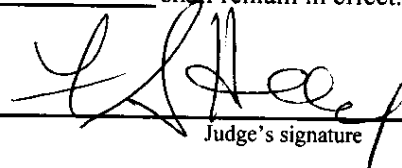
The government has represented, without objection from defense counsel, that the defendant is not eligible for the benefits of a safety valve provision, and no motion for a departure below the statutory mandatory minimum was made by the government. See memorandum of AUSA Percell dated May 2, 2008 at p.4, f.n.3.

11/10/08 AMENDMENT: Previous guideline range modified; clerical error.

Except as provided above, all provisions of the judgment dated 06/21/2002 shall remain in effect.

IT IS SO ORDERED.Order Date: 11/10/2008

Effective Date: 11/10/2008
(if different from order date)



Judge's signature
Faith S. Hochberg, U.S.D.J.

Printed name and title